

FILED

MAR 23 2016


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

CIV. 16-1017

SARAH AND STACY STANTON,

Plaintiffs,

VS. ;

NOTICE OF AND
PETITION FOR REMOVAL

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

Defendant.

TO THE ABOVE-ENTITLED COURT

Defendant State Farm Mutual Automobile Insurance Company hereby files this Notice of Removal of the above-described action to the United States District Court for the District of South Dakota, Northern Division, from the South Dakota Circuit Court, Third Judicial Circuit, Codington County, where the action is now pending, and states:

1. This action is an action for breach of contract, statutory attorney's fees under SDCL 58-12-3, and bad faith arising out of a claim for uninsured motorist benefits and the United States District Court for the District of South Dakota has jurisdiction by reason of the diversity of citizenship of the parties.

2. When the action was commenced, Defendant State Farm Mutual Automobile Insurance Company was, and now is, a corporation organized, formed and incorporated in and under the laws of the State of Illinois, having its principal place of business in the State of Illinois.

3. Plaintiffs were, and now are residents of South Dakota.

4. The Court has jurisdiction over this matter under 28 U.S.C. § 1332 because there is diversity of citizenship between Plaintiffs and Defendant and the amount in controversy exceeds \$75,000.00.

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5. Defendant State Farm Mutual Automobile Insurance Company received a copy of the Summons and Complaint on or about March 7, 2016.

7. Attached to and filed with this notice are copies of the Summons and the Complaint with Jury Trial Demand, which are the only process, pleadings, or orders served upon Defendant in this matter.

8. With respect to the amount in controversy, Plaintiffs' Complaint seeks compensatory damages, attorney's fees, punitive damages, and pre-judgment interest. The amount Plaintiffs seek to recover from Defendant exceeds Seventy Five Thousand Dollars (\$75,000), exclusive of interest and costs.

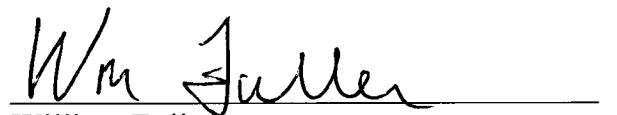
9. Defendant will give written notice of the filing of this notice to all adverse parties as required by 28 U.S.C. § 1446(d).

10. A copy of this notice will be filed with the Codington County Clerk of the South Dakota Circuit Court, Third Judicial Circuit, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant requests that this action proceed in this Court as an action properly removed to it.

Dated this 23rd day of March, 2016.

FULLER & WILLIAMSON, LLP



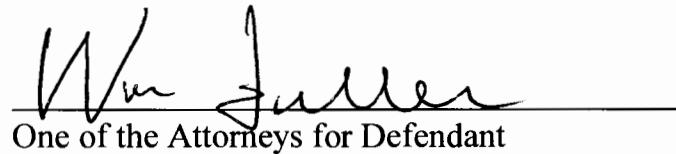
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Attorneys for Defendant

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Certificate of Service

I certify that on the 23rd day of March, 2016, I sent via United States first-class mail, postage prepaid, a true and correct copy of the foregoing Notice of and Petition for Removal to:

Nancy J. Turbak Berry
Turbak Law Office, P.C.
26 South Broadway, Suite 100
Watertown, SD 57201
Attorneys for Plaintiff



One of the Attorneys for Defendant